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#14
PATENT 3-6-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 20 2003

In re Application of:

Christof NIEHRS et al.

Group Art Unit: 1646

Serial No.: 09/530,219

Examiner: J. Andres

Filed: 27 July 2000

For: AN INHIBITOR OF THE WNT SIGNAL
PATHWAY

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed 20 September 2002 wherein the Examiner has given a one month period for response, attached hereto and provided herewith is a Petition for an extension of time for four (4) months, making the due date for response 20 February 2003.

The Examiner has identified 18 groups:

- I. Claims 1 and 7, drawn to wnt inhibitor protein encoded by the sequence of figure 2.1 and a method of using it;
- II. Claims 1 and 7, drawn to wnt inhibitor protein encoded by the sequence of figure 2.3 and a method of using it;
- III. Claims 1 and 7, drawn to wnt inhibitor protein encoded by the sequence of figure 2.4 and a method of using it;
- IV. Claims 1 and 7, drawn to wnt inhibitor protein encoded by the sequence of figure 2.5 and a method of using it;
- V. Claims 1 and 7, drawn to wnt inhibitor protein encoded by the sequence of figure 2.6 and a method of using it;

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RESPONSE TO RESTRICTION REQUIREMENT
U.S. Serial No.: 09/530,219

- VI. Claims 1 and 7, drawn to wnt inhibitor protein encoded by the sequence of figure 2.7 and a method of using it;
- VII. Claims 2-5, drawn to a polynucleotide having the sequence of figure 2.1 and means of expression;
- VIII. Claims 2-5, drawn to a polynucleotide having the sequence of figure 2.3 and means of expression;
- IX. Claims 2-5, drawn to a polynucleotide having the sequence of figure 2.4 and means of expression;
- X. Claims 2-5, drawn to a polynucleotide having the sequence of figure 2.5 and means of expression;
- XI. Claims 2-5, drawn to a polynucleotide having the sequence of figure 2.6 and means of expression;
- XII. Claims 2-5, drawn to a polynucleotide having the sequence of figure 2.7 and means of expression;
- XIII. Claim 6, drawn to antibodies against the protein encoded by the sequence of figure 2.1;
- XIV. Claim 6, drawn to antibodies against the protein encoded by the sequence of figure 2.3;
- XV. Claim 6, drawn to antibodies against the protein encoded by the sequence of figure 2.4;
- XVI. Claim 6, drawn to antibodies against the protein encoded by the sequence of figure 2.5;
- XVII. Claim 6, drawn to antibodies against the protein encoded by the sequence of figure 2.6; and
- XVIII. Claim 6, drawn to antibodies against the protein encoded by the sequence of figure 2.7.

Applicants elect Group V, claims 1 and 7, with traverse.

RESPONSE TO RESTRICTION REQUIREMENT
U.S. Serial No.: 09/530,219

I. Response to Restriction Requirement

First, Applicants respectfully request that groups drawn to a wnt inhibitor protein encoded by a sequence in a specific denoted figure and groups drawn to the polynucleotide having the particular sequence recited in one and the same denoted figure be rejoined. The reasons are discussed below.

As stated in the Administrative Instructions Under the PCT, Annex B (continued), Part 2, **Examples Concerning Unity of Invention, II. CLAIMS IN THE SAME CATEGORY**, Example 17, at AI-61 to AI-62, referring to nucleic acids and proteins:

“Example 17

Claim 1: Protein X.

Claim 2: DNA sequence encoding protein X.

Expression of the DNA sequence in a host results in the production of a protein which is determined by the DNA sequence. The protein and the DNA sequence exhibit corresponding special technical features. Unity between claims 1 and 2 is accepted.”

Accordingly, as claims 1 and 7 of any particular group represent but the protein encoded by the nucleic acid of the corresponding claims 2-5, the protein and DNA which correspond to the same figure would exhibit corresponding special technical features as illustrated in the example, *supra*. For this reason, Applicants respectfully request that the following groups be rejoined as 6 single groups:

I and VII;

II and VIII;

III and IX;

IV and X;

RESPONSE TO RESTRICTION REQUIREMENT
U.S. Serial No.: 09/530,219

V and XI; and

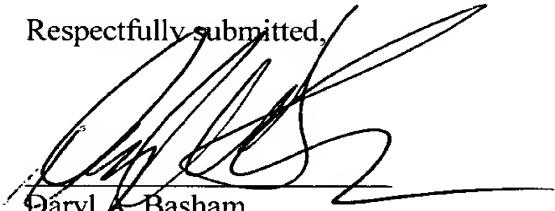
VI and XII.

Accordingly, Applicants respectfully traverse the assertions offered to support lack of unity and request that the groups be rejoined.

CONCLUSION

Favorable reconsideration of the requirement for restriction, collapse of the Restriction Requirement and redefinition of the claims in accordance with the above reasons are solicited earnestly.

Respectfully submitted,



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